IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

HUMANA, INC., Plaintiff, v. MEDTRONIC SOFAMOR DANEK USA, INC., and MEDTRONIC, INC., Defendants.	Case No. 2:14-cv-02405-JTF-cgc

MEDTRONIC SOFAMOR DANEK USA, INC.'S, AND MEDTRONIC, INC.'S
MOTION TO DISMISS HUMANA, INC.'S FIRST AMENDED COMPLAINT

Defendants Medtronic Sofamor Danek USA, Inc., and Medtronic, Inc. (collectively, "Medtronic"), by their undersigned counsel, and pursuant to Federal Rules of Civil Procedure 8, 9(b), 12(b)(1), and 12(b)(6), respectfully move this Court to dismiss all fourteen counts of Humana, Inc.'s First Amended Complaint with prejudice.

As more fully set forth in the accompanying Memorandum of Law, Humana's amended complaint fails to plead the injury-in-fact or causal connection necessary to establish standing under Article III (Counts 1–10); fails to state a claim for relief (all counts); fails to allege claims of fraud with the requisite particularity (Counts 1–4, 6, 9–10); and asserts claims that are time-barred on their face (Counts 1–5, 7–10).

In light of these deficiencies, Medtronic respectfully requests that this Court grant its motion to dismiss and enter an order dismissing Humana's First Amended Complaint with prejudice.

Dated: December 5, 2014

Respectfully submitted,

s/Nathan A. Bicks
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CERTIFICATE OF SERVICE

I hereby certify that, on December 5, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will operate to provide notice of this filing to all counsel of record in this case.

s/Nathan A. Bicks
Attorney for Defendants